

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**EMILY SOLIMINE and THOMAS  
FILIACI,  
on behalf of themselves and  
all others similarly situated,**

**Plaintiff,**

**v.**

**ABBOTT LABORATORIES, Inc.**

**Defendants.**

**1:09-cv-3107 (AKH)  
ECF ACTION**

**NOTICE OF JOINT MOTION TO STAY PROCEEDINGS**

PLEASE TAKE NOTICE, that upon Joint Motion the parties will move this Court, before the honorable Alvin K. Hellerstein, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, to stay these proceedings pending the outcome of the United States Supreme Court's ruling on the petition for writ of certiorari in *Christopher v. SmithKline Beecham, Corp.*, No. 11-204 (Aug. 12, 2011). A memorandum of law is being filed simultaneously with this motion.

Dated: September 1, 2011

s/Michael DiChiara (by consent)

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**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing JOINT MOTION TO STAY PROCEEDINGS to be served upon the following counsel of record this 1<sup>st</sup> day of September, 2011 through the Court's ECF system:

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